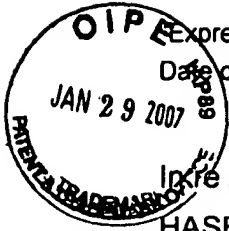


01-30-07

DAC  
RFW



Express Mail" mailing label number: EV 924791780 US

Date of Deposit: January 29, 2007

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HASEGAWA et al.

Serial No. 09/901,438

Filing Date: July 9, 2001

Examiner: Magee, C.R.

For: EXCHANGE COUPLING FILM AND  
MAGNETORESISTIVE ELEMENT USING THE  
SAME

Group Art Unit No. 2627

Our Case No. 9281/3996 (N US00078)

**PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application Serial No.: 09/901,438 has a patent term adjustment under 35 U.S.C. §154(b) of 829 days as indicated by the PAIR PTA adjustment history, herein attached as Appendix A. U.S. Patent Application 09/901,438 is not subject to a terminal disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 753 days (14 months after the filing of the application on July 9, 2001 to the mailing of the first Office Action on October 1, 2004).

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(2)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(2) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 76 days (the period beginning on the day after the date that is four months after the reply dated June 7, 2005 to the date of mailing of the notice of allowance dated December 22, 2005).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on July 9, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is July 9, 2004. The issue date as indicated by the Issue Notification is November 28, 2006. The Issue Notification is attached as Appendix B. The difference between the 3 year date (July 9, 2004) and the issue date (November 28, 2006) is 872 days.

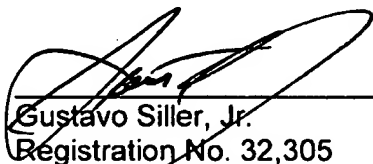
Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus  $753 + 76 + 872 - 0 = 1701$  days.

For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the fee and/or credit any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,

  
\_\_\_\_\_  
Gustavo Siller, Jr.  
Registration No. 32,305  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200